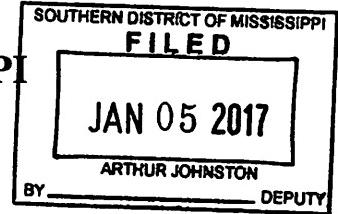


IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION



DOUGLAS HANDSHOE )  
 )  
 v. ) CIVIL ACTION NO. 1:15cv382-HSO-JCG  
 )  
 VAUGHN PERRET, CHARLES LEARY & )  
 DANIEL ABEL, D/B/A/ TROUT )  
 POINT LODGE LTD OF NOVA SCOTIA )  
 & IN THEIR INDIVIDUAL CAPACITIES )  
 PROGRESS MEDIA GROUP LIMITED, )  
 MARILYN SMULDERS & ASHOKA )  
 )  
 )

**REPLY TO DEFENDANTS' RESPONSE IN OPPOSITION TO THE  
MOTION FOR LEAVE TO FILE THIRD AMENDED COMPLAINT**

**MAY IT PLEASE THE COURT:**

This Memorandum in Support of Motion for Leave to File Amended Complaint is respectfully submitted by Plaintiff, Douglas Handshoe.

**LAW AND ARGUMENT**

Federal Rule of Civil Procedure 15 governs amended pleadings. Rule 15(c) deals with amended pleadings and the interplay between amended pleadings with the applicable Statute of Limitations.

Ashoka was named in the original and first amended complaint as XYZ Foundation as the Plaintiff was still gathering information as to the involvement of the organization in the numerous misrepresented takedown notices and their subsequent use in a two Canadian based defamation actions. This much is crystal clear: Each takedown notice sent by Defendants Leary, Perret and Abel that objected to the Ashoka Foundation Copyrighted materials was sent under

penalty of perjury which stated the Defendants were “authorized to act on Ashoka’s behalf”.

Ashoka has never denied authorizing the dissemination of these takedown notices by the other Defendants and indeed Ashoka would later take an affirmative action to assign their copyright interests in the photographs at controversy to Leary, Perret and Abel expressly so that a second Defamation suit could be filed in Canada involving the photos, a suit that exactly duplicated the copyright allegations involving the Ashoka photographs that were contained in first Trout Point Defamation action which was ruled as unenforceable in the United States by this Court.

Simply put, the proposed amendments assert claims that arose out of the conduct and facts as was attempted to be set out in the original complaint. Further, the original complaint provided “fair notice” to all of the defendants of the proposed amended claims.

Accordingly, in the interest of justice, this Court should grant Plaintiff’s motion for leave to file the proposed third amended complaint

Respectfully submitted this 5<sup>th</sup> day of January 2017,



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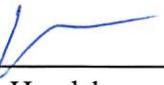
Douglas Handhoe, Plaintiff  
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**CERTIFICATE OF SERVICE**

I, Douglas Handshoe, hereby certify that on January 5, 2017 the foregoing was sent for electronically filing by me via the Clerk of the Court using the ECF system which sent notification to all counsel of record upon filing by the Clerk.

Respectfully submitted this 5<sup>th</sup> day of January, 2017,

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